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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2009-158

14 **BARBARA ANN WOOD**
3672 Aspen Village Way, Unit D
15 Santa Ana, California 92704

A C C U S A T I O N

16 Registered Nurse License No. 327490
Nurse Practitioner License No. 4762
17 Nurse Practitioner Furnishing License No. 4762

18 Respondent.
19

20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 **Registered Nurse License**

26 2. On or about March 31, 1981, the Board issued Registered Nurse License
27 Number 327490 to Barbara Ann Wood ("Respondent"). The license will expire on
28 March 31, 2009, unless renewed.

1 **Nurse Practitioner License No. 4762**

2 3. In or about 1981, the Board issued Nurse Practitioner Number 4762 to
3 Respondent. The license will expire on March 31, 2009, unless renewed.

4 **Nurse Practitioner Furnishing License No. 4762**

5 4. On or about January 11, 1994, the Board issued Nurse Practitioner
6 Number 4762 to Respondent. The license will expire on March 31, 2009, unless renewed.

7 **STATUTORY PROVISIONS**

8 5. Business and Professions Code ("Code") section 2750 provides, in
9 pertinent part, that the Board may discipline any licensee, including a licensee holding a
10 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
11 2750) of the Nursing Practice Act.

12 6. Code section 2761 states, in part:

13 "The board may take disciplinary action against a certified or licensed nurse or
14 deny an application for a certificate or license for the following:

15 (a) Unprofessional conduct, which includes, but is not limited to, the following:

16 (1) Incompetence, or gross negligence in carrying out usual certified or licensed
17 nursing functions."

18 **REGULATORY PROVISIONS**

19 7. California Code of Regulations, title 16, section 1442, states:

20 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
21 departure from the standard of care which, under similar circumstances, would have ordinarily
22 been exercised by a competent registered nurse. Such an extreme departure means the repeated
23 failure to provide nursing care as required or failure to provide care or to exercise ordinary
24 precaution in a single situation which the nurse knew, or should have known, could have
25 jeopardized the client's health or life."

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8. California Code of Regulations, title 16, section 1443, states:

“As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.”

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND INFORMATION

10. On or about September 29, 2003, Respondent was employed as a nurse practitioner at the La Palma Family Medical Clinic ("La Palma"), operated by Kaiser Permanente. Patient A.H. arrived at La Palma presenting a six week old spider bite to her upper right thigh. Respondent noted in the medical records that A.H. had been previously treated with antibiotics. Respondent also noted in the medical records, "Rt inner thigh erythematous & able to feel a sm lump. St warm to touch, painful large area, size of a grapefruit. Has varicose veins." Respondent's diagnosis was Peripheral Phlebitis. Respondent prescribed A.H. Motrin, Keflex, and Rocephin, and told A.H. to return the following day.

11. On September 30, 2003, A.H. returned to La Palma. Respondent noted, "The rt upper leg is still red & warm to touch, not as read [sic] as yesterday. Pain is reduced with Motrin. Has varicose veins pedal pulses present." Respondent did not change her original diagnoses of September 29, 2003. Respondent told A.H. to continue taking Motrin and antibiotics and to return in two days.

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12. On October 3, 2003, A.H. returned to La Palma. Respondent noted, "Pt. is in due to a phlebitis that she had started in August. Red & swollen rt upper inner thigh and now it is still red and radiating down to rt medial lower leg. Very painful in lower leg by the calf. Pt. is on Keflex and Motrin." Respondent's diagnoses was phlebitis. Respondent ordered a "D-dimer test @ LMO; RTC; continue Motrin & Keflex as ordered."

13. On October 17, 2003, A.H. was admitted to a Kaiser Permanente Hospital due to weakness, unable to eat, leg thrombosis, and dizziness.

14. On November 9, 2003, A.H. died as a result of endocarditis¹ following cellulitis² of the thigh.

FIRST CAUSE FOR DISCIPLINE

(Incompetence)

15. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of unprofessional conduct, in that on or about September 29, 2003, September 30, 2003, and October 3, 2003, while employed as a nurse practitioner at La Palma, Respondent was incompetent in the following respects:

a. Respondent failed to conduct a complete neurovascular assessment of A.H.'s affected extremity.

b. Respondent failed to request and review A.H.'s medical records concerning two prior visits on September 10, 2003 and September 16, 2003, regarding the spider bite.

c. Respondent failed to document any assessment for Homan's sign.

d. Respondent failed to initiate a complete assessment of A.H. to include cardiac or respiratory assessment.

c. Respondent failed to recognize A.H.'s subnormal or hypothermic temperature as a possibility of a more significant infection.

1. An infection of the inner lining of the heart.
2. An infection of deep skin tissues.

1 f. Respondent failed to consider the differential diagnoses of cellulitis, phlebitis,
2 and deep vein thrombosis.

3 g. Respondent failed to recognize the purpose of a D-Dimer test.³

4 h. Respondent failed to order a complete blood count, which is used to identify
5 infection.

6 i. Respondent failed to consult a physician or to involve a physician in the care of
7 A.H.

8 j. Following the October 3, 2003, visit, Respondent failed to instruct A.H. when
9 to return to the clinic for a follow up visit.

10 k. Following the October 3, 2003, visit, Respondent failed to give A.H. specific
11 directions if additional symptoms occurred.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Gross Negligence)**

14 16. Respondent is subject to discipline under Code section 2761(a)(1), on the
15 grounds of unprofessional conduct, in that on or about September 29, 2003, September 30, 2003,
16 and October 3, 2003, while employed as a nurse practitioner at La Palma, Respondent was
17 grossly negligent, as more particularly set forth above in paragraph 15.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 17. Respondent is subject to discipline under Code section 2761(a), on the
21 grounds of unprofessional conduct, in that on or about September 29, 2003, September 30, 2003,
22 and October 3, 2003, while employed as a nurse practitioner at La Palma, Respondent
23 demonstrated unprofessional conduct, as more particularly set forth above in paragraph 15.

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25 3. A D-Dimer test is not used to test for infection. A D-Dimer test is a blood test that is
26 used to assist in the diagnosis of coagulation pathology such as disseminated intravascular
27 coagulation, pulmonary embolism and deep vein thrombosis. There are conditions, other than
28 an embolic event, that can cause a false positive. For this reason, the use of the D-Dimer test is
recommended as an adjunct test and should not be the only test used to diagnose a disease or
condition.

1 PRAYER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 327490, issued
5 to Barbara Ann Wood;


6 2. Revoking or suspending Nurse Practitioner License Number 4762, issued
7 to Barbara Ann Wood;

8 3. Revoking or suspending Nurse Practitioner Furnishing License Number
9 4762, issued to Barbara Ann Wood;

10 4. Ordering Barbara Ann Wood to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3; and,

13 5. Taking such other and further action as deemed necessary and proper.

14 DATED: 1/26/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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20 Accusation (kdg)12/29/08
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